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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/078,372	02/21/2002	Christian Kraft	004770.00789	5016
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BANNER & WITCOFF, LTD. 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051			PAPPAS, PETER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/078,372	KRAFT ET AL.	
	Examiner	Art Unit	
	Peter-Anthony Pappas	2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 March 2008.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-19 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 21 February 2002 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1.) Certified copies of the priority documents have been received.
 2.) Certified copies of the priority documents have been received in Application No. _____.
 3.) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 5, 8, 9, 12, 15, 16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wells et al. (U.S. Patent No. 5, 870, 683) in view of Makipaa et al. (U.S. Patent No. 6, 556, 217 B1).

3. In regard to claim 1 it is noted that the respective claim language discloses open-ended language (e.g., “comprising”) and as such said claim is not considered to be limited to only the respective limitations disclosed.

Wells et al. teaches generating an animation in a wireless handheld communication device (“...wireless user terminal or mobile station 10, such as but not limited to a cellular radiotelephone or a personal communicator...” – col. 2, ll. 63-66) by editing (“The animation_parameter is a parameter that can, at run-time, be passed to the animation. For example, text characters used in an animation can be passed to the animation in an animation_parameter...” – col. 5, ll. 34-45; “The displayed text can be preprogrammed into the mobile station by the manufacturer, service provider, dealer, or can be entered by the user.” – col. 8, ll. 38-40) the contents of at least the one image in a sequence of images previously stored within the wireless handheld communication device (“...memory 24 also stores at least one Current Animation Array (CAA) 24A ...

The Current Animation Array 24A contains data for defining and controlling the operation of a desired Graphical Information Sequence (GIS) ... the GIS, also referred to simply as an ‘animation’, is comprised of a plurality of discrete and logically related animation ‘frames’, ‘scenes’, or ‘images’ (and/or alphanumeric characters) which when displayed sequentially present an informational and/or promotional and/or entertainment message on the display 20...” – col. 3, ll. 59-67; col. 4, ll. 1-3), wherein the editing includes adding movement (“...The text is scrolled in a Scroll Direction ... which is illustrated as being from right to left ... the scroll direction could be from left to right, or from bottom to top or top to bottom ... or simultaneous horizontal and vertical scrolling can be accomplished. The text may also ‘ping-pong’ from side to side or from top to bottom...” – col. 8, ll. 23-43) and adding text (col. 5, ll. 34-45; col. 8, ll. 23-43). Well et al. teaches wherein said memory 24 is located within said mobile station 10 (col. 3, ll. 43-46). It is noted that the display of an animation on said mobile station is considered to result in the changing of individual pixels as said animation is displayed on a screen comprised of pixels (col. 7, ll. 47-50).

Wells et al. teaches displaying said sequence of images in said wireless handheld communication device in a predetermined order (“...a current animation scene or frame is replaced by a next consecutive frame or scene..” – col. 4, ll. 38-42) and with predetermined intervals between the images ("...an animation is comprised of X number of discrete images displayed at intervals of Y ms.." – col. 9, ll. 61-64).

Well et al. teaches an apparatus (system) and method for implementing said above teachings (col. 2, ll. 13-18).

Well et al. fails to explicitly teach altering a display resolution of the animation responsive to said editing. Makipaa et al. teaches altering the display resolution of graphic information on a terminal (“...user terminal 30 may be, but not limited to, a WAP-capable cellular telephone, a HTML-capable cellular telephone, or a processor-based system connected to a cellular telephone.” – col. 4, ll. 42-45) based on (e.g., response to) the capabilities of said terminal (col. 1, ll. 56-67; col. 2, ll. 1-2; col. 3, ll. 14-28; “These capabilities would include, but not limited to, screen size, bandwidth, color vs. black and white, media types supported by this terminal type (i.e., video/audio, animation, etc.) and input capabilities ... filtration and conversion process entails determining for each element in the content whether it may be supported by the particular terminal type ... whatever element can be converted into a supportable format is converted ... picture resolution is adjusted for the screen resolution being used and video images may be reduced or down scaled based on the bandwidth capability available.” – col. 7, ll. 58-62, and col. 8, ll. 1-10; col. 11, ll. 46-61). It is noted that all graphic information, edited or not, located on a terminal is considered graphic information that is subject to said alteration taught by Makipaa et al. It is further noted that an application and/or window used to display HTML information is considered a browser. It would have been obvious to one skilled in the art, at the time of the Applicant’s invention, to incorporate the ability to alter the resolution of graphic information presented on a wireless user terminal or mobile station as taught by Makipaa et al. into the system taught by Wells et al., which is directed toward the display and editing of animation information on a mobile station, because through such

incorporation it would allow for said animation, edited or not, to be displayed at a resolution optimized to the capabilities of said terminal or mobile station at all times resulting in said animation being displayed under the best available conditions and improving a user's viewing experience.

4. In regard to claim 2 Wells et al. teaches wherein the sequence of images is displayed repeatedly for a number of times (e.g., infinite) and wherein the handheld communication device receives an input that sets said number of times (e.g., infinite) the display of the sequence of image is to be repeated ("An active animation terminates when the Keyguard is deactivated or..." – col. 9, ll. 28-32). It is noted that in certain circumstances an animation is set to run an infinite amount of times – said animation is instructed to run until said Keyguard is deactivated and thus if said Keyguard is not deactivated said animation will continue to run. It is noted that the respective claim language fails to disclose where said input originates from and thus said input is considered to originate from said system.

5. In regard to claim 5 Well et al. fails to explicitly teach wherein the editing of the at least one image includes resizing the at least one image into a display size specific for an application in the handheld communication device. Makipaa et al. teaches said limitations (col. 3, ll. 14-28; col. 4, ll. 42-45; col. 11, ll. 46-61). It is inherent that any displayed graphic image is associated, at least to some degree, with at least one program (e.g., application) running on said terminal. The respective motivation disclosed in the rejection of claim 1 is incorporated herein.

6. In regard to claim 8 the rationale disclosed in the rejection of claim 1 is incorporated herein. Well et al. illustrates in Fig. 1 wherein said mobile station 10 comprises a processor (controller 18), transceiver for communication via a wireless network (transmitter 14 and receiver 16) and a display (display 20).

7. In regard to claim 9 the rationale disclosed in the rejection of claim 2 is incorporated herein.

8. In regard to claim 12 the rationale disclosed in the rejection of claim 5 is incorporated herein.

9. In regard to claims 15 and 16 the rationale disclosed in the rejection of claim 1 is incorporated herein (“...wireless user terminal or mobile station 10, such as but not limited to a cellular radiotelephone or a personal communicator...” – Well et al., col. 2, II. 63-66; “...user terminal 30 may be, but not limited to, a WAP-capable cellular telephone, a HTML-capable cellular telephone, or a processor-based system connected to a cellular telephone.” – Makipaa et al., col. 4, II. 42-45).

10. In regard to claim 19 the rationale disclosed in the rejection of claim 1 is incorporated herein. Wells et al. teaches a computer-readable storage medium (memory 24) having instructions that when executed by a processor perform said method (col. 3, II. 43-53).

11. Claims 3, 4, 10, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wells et al. (U.S. Patent No. 5, 870, 683) and Makipaa et al. (U.S. Patent No. 6, 556, 217 B1), as applied to claims 1, 2, 5, 8, 9, 12, 15, 16 and 19, in view of Applicant's admitted prior art (Specification – p. 8, Table 2, row 5), herein referred to as AAPA

12. In regard to claim 3 Wells et al. teaches that an animation does not always have to be run an infinite amount of times (“If an animation is required to be refreshed, it is called using a REFRESH command. In general, when refreshed a current animation scene or frame is replaced by a next consecutive frame or scene (see, for example, FIGS. 4A-4C). When all frames have been cycled through and displayed, a frame pointer can be initialized back to the first frame in the sequence and the cycle repeated.” – col. 9, ll. 38-42). However, Wells et al. and Makipaa et al. fail to explicitly teach wherein the handheld communication device compares said number of times the displaying of the sequence of images is to be repeated with a predetermined number and if said number of times the displaying of the sequence of images is to be repeated exceeds said predetermined number the handheld communication device only repeats the display sequence said predetermined number of times. AAPA teaches a looping parameter specified by NETSCAPE 2.0, wherein a maximum of 50 loops for a given animation are displayed (Specification – p. 8, Table 2, row 5). It is noted that Netscape is considered a browser capable of interpreting and rendering HTML information, wherein said HTML information comprises any combination of text and graphics.

It would have been obvious to one skilled in the art, at the time of the Applicant’s invention, to incorporate the teaching of AAPA, which is directed toward limiting the number of times a given animation can be repeated when utilizing a conventional web browser, into the system taught by Wells et al. and Makipaa et al., which utilizes, for example, an HTML-capable cellular phone for generating and displaying graphic information, because through such incorporation it would provide a conventional mean

(e.g., a conventional browser such as Netscape) for displaying said HTML information as well as providing greater flexibility by providing a means for limiting the amount of time a given animation is repeated, wherein the number of repetition for said animation are set by another party (e.g., a phone which is low on battery might prefer that an animation which is to be run an infinite number of times to be instead be run 50 times to avoid an impact to battery life).

13. In regard to claim 4 Well et al. teaches the next time the user activates the Keyguard feature the selected animation is automatically invoked, started and run by the controller 18 (col. 8, ll. 14-16). The rationale disclosed in the rejection of claim 2 is incorporated herein.

14. In regard to claim 10 the rationale disclosed in the rejection of claim 3 is incorporated herein.

15. In regard to claim 11 the rationale disclosed in the rejection of claim 4 is incorporated herein.

16. Claims 6, 13, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wells et al. (U.S. Patent No. 5, 870, 683) and Makipaa et al. (U.S. Patent No. 6, 556, 217 B1), as applied to claims 1, 2, 5, 8, 9, 12, 15, 16 and 19, in view of GIF Construction Set Professional Homepage, referred to herein as GCSPH, and GIF Construction Set Professional Manual, referred to herein as GCSPM. It is noted GCSPM includes references to “Introductory and Tutorial” and “Reference” which are considered part of said GCSPM.

17. In regard to claim 6 Wells et al. and Makipaa et al. fail to explicitly teach wherein the user controls the resizing of only one of the images and the handheld communication device automatically resizes the remaining images. GCSPH teaches that part or all of a given animation sequence can be rotated, cropped, color-adjusted or resized (GCSPH, p. 3). It is noted that cropping is considered a form of resizing. GCSPM teaches "The Resize function ... will allow you to change the size of one or more images in a GIF file ... This function only affects the selected blocks in the current document window. To apply it to all the blocks in a GIF file, click on the green 'Tag All' button" (GCSPM, § Reference, pp. 15, 30-31). It is implicitly taught that said functions taught by both GCSPH and GCSPM are, at least in part, user controlled via some form of user input.

It would have been obvious to one skilled in the art, at the time of the Applicant's invention, to incorporate the conventional animation editing functions taught by both GCSPH and GCSPM, specifically that of resizing, into the system taught by Wells et al. and Makipaa et al., which is directed toward editing and displaying an animation, because through such incorporation it would provide a greater flexibility in terms of how a given user is able to edit said animation as well as provide options that are conventional (e.g., resizing graphic information) in the realm of animation editing. In addition, through the incorporation of a user controlled resizing function it would provide greater flexibility in terms of how said information is presented. For example, while a image might be automatically resized to fit a respective display screen used to display

said image a user may still wish to resize the already resized image to best suit said user's display tastes.

18. In regard to claim 13 the rationale disclosed in the rejection of claim 6 is incorporated herein.

19. In regard to claim 17 the rationale disclosed in the rejection of claims 8 and 9 is incorporated herein. Wells et al. teaches that various functions of said system are accessible via menus (col. 3, ll. 54-56; "...an Animation menu item..." – col. 8, ll. 2-9).

It is noted that graphic processing performed by Wells et al. is considered to read on pixel-wise editing as graphic information displayed via said mobile station is displayed on a screen comprised of pixels (col. 7, ll. 47-50). Wells et al. teaches speeding up and slowing down of an animation ("...the refresh rate could increase or decrease as a function of the charge state of the battery 26, or as a function of the received signal strength level..." – col. 8, ll. 51-54 ; "...an animation is comprised of X number of discrete images displayed at intervals of Y ms (selectable or fixed values..." – col. 9, ll. 61-64).

Well et al. fails to explicitly teach a loop setting menu allowing the setting of the number of repetitions of the animation. GCSPM teaches an animation software application that has a loop command which adds a "LOOP block" to a given animation. Said "LOOP block" has an iterations argument that defines the number of times said animation will loop (GCSPM, § Reference, p. 34; GCSPM, § Introductory Tutorial, p. 4). GCSPM teaches a delay option which is defined as the number of hundredths of a second between images in an animation (GCSPM, § Reference, p. 34). It would have

been obvious to one skilled in the art, at the time of the Applicant's invention, to incorporate the teachings of GCSPM, which are directed toward animation editing tools for assigning delay and limiting the number of times a given animation can be repeated, into the system taught by Wells et al. and Makipaa et al., which is directed toward editing and displaying animations on a mobile station, because through such incorporation it would provide greater efficiency in terms of battery life for said mobile station as the number of repetitions for an animation could be set by a user of said mobile station dependant upon the power resources available to said mobile station (e.g., a user with a mobile station that is low on battery power might prefer that an animation which is to repeat an infinite number of times instead repeat a fixed number of times so to avoid an adverse impact to battery life).

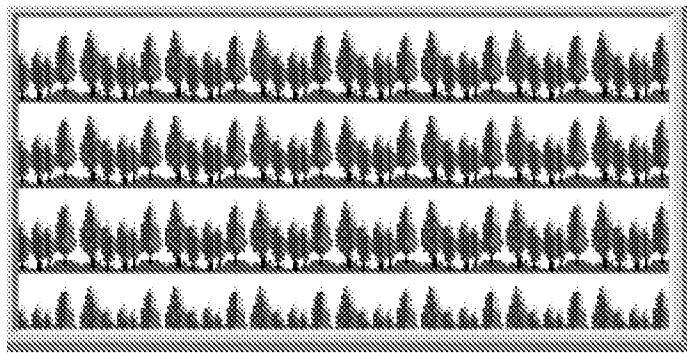
In regard to resizing the rationale disclosed in the rejection of claim 6 is incorporated herein. It is implicitly taught that that the combination of Wells et al., Makipaa et al., GCSHP and GCSPM is considered to result said animation features being menu accessible.

20. In regard to claim 18 the rationale disclosed in the rejection of claim 16 is incorporated herein.

21. Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wells et al. (U.S. Patent No. 5, 870, 683) and Makipaa et al. (U.S. Patent No. 6, 556, 217 B1), as applied to claims 1, 2, 5, 8, 9, 12, 15, 16 and 19, in view of Reference Manual for the TNT products

(<http://www.prehistoria.ceh.csic.es/intranet/refman/html/dsp1c003.htm>), herein referred to as TNT.

22. In regard to claim 7 Wells et al. and Makipaa et al. fail to explicitly teach wherein the editing of the at least one image includes displaying the at least one image as a bit-map pattern, changing the bit-map pattern responsive to an input received at the handheld communication device, storing the changed bit-map pattern and transferring the changes from the bit-map pattern to the remaining images of the sequence of images. TNT teaches the above limitation (§ 11.2.4.2.4, ¶ 1-4; Fig. "Bitmap Pattern Editor window").



It is noted that the above figure is considered to illustrate the changes made to one image being applied to a plurality of images in a sequence.

It would have been obvious to one skilled in the art, at the time of the Applicant's invention, to incorporate the teaching of TNT, which is directed toward the editing of repeating graphic information in a sequence of images, into the system taught by Wells et al. and Makipaa et al., because through such incorporation it would improve the efficiency of said system through the reuse of image information rather than requiring

said system to continually generate and/or retrieve new information for every image in a sequence of images for a given animation.

23. In regard to claim 14 the rationale disclosed in the rejection of claim 7 is incorporated herein.

Response to Arguments

24. The prior 35 U.S.C. 112 first and second paragraph rejections have been withdrawn in light of Applicant's remarks.

25. The prior 35 U.S.C. 101 rejection has been withdrawn in light of Applicant's remarks.

26. Applicant's remaining remarks been considered but are moot in view of the new ground(s) of rejection.

Conclusion

27. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter-Anthony Pappas whose telephone number is (571)272-7646. The examiner can normally be reached on M-F 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ulka Chauhan can be reached on 571-272-7782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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